

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

Criminal Number:

v.

## 1. PASCUAL JOSEPH-GUERRIER.

- ) 21 U.S.C. § 846 -
- ) Conspiracy to Possess with
- ) Intent to Distribute and
- ) to Distribute
- ) Heroin
- )
- ) 21 U.S.C. §841(a)(i) -
- ) Distribution of Heroin

INDICTMENT

COUNT ONE: (Title 21, United States Code, Section 846 -- Conspiracy to Possess With Intent to Distribute and to Distribute Heroin)

The Grand Jury charges that:

From a date unknown, but no later than on or about August 2, 2004, to on or about September 17, 2004, at Lawrence, and elsewhere in the District of Massachusetts.

## 1. PASCUAL JOSEPH-GUERRIER

defendant herein, did knowingly and intentionally combine, conspire, confederate, and agree, with persons unknown to the Grand Jury, to possess with intent to distribute, and to distribute, heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

It is further alleged that the conspiracy charged in Count One involved at least 100 grams of heroin, a Schedule I

controlled substance. Accordingly, 21 U.S.C. §841(b)(1)(B)(i) is applicable to this Count.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO:** **21 U.S.C. § 841(a) (Possession of Heroin with Intent to Distribute and Distribution of Heroin); 18 U.S.C. § 2 (Aiding and Abetting)**

The Grand Jury further charges that:

On or about August 3, 2004, at Lawrence, in the District of Massachusetts, and elsewhere

**1. PASCUAL JOSEPH-GUERRIER**

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT THREE:** **21 U.S.C. § 841(a) (Possession of Heroin with Intent to Distribute and Distribution of Heroin); 18 U.S.C. § 2 (Aiding and Abetting)**

The Grand Jury further charges that:

On or about August 20, 2004, at Lawrence, in the District of Massachusetts, and elsewhere,

**1. PASCUAL JOSEPH-GUERRIER**

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, heroin, a Schedule I controlled substance.

It is further alleged that the distribution charged in Count Three involved at least 100 grams of heroin, a Schedule I controlled substance. Accordingly, 21 U.S.C. §841(b)(1)(B)(i) is applicable to this Count.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FOUR:** **21 U.S.C. § 841(a) (Possession of Heroin with Intent to Distribute and Distribution of Heroin); 18 U.S.C. § 2 (Aiding and Abetting)**

The Grand Jury further charges that:

On or about September 17, 2004, at Lawrence, in the District of Massachusetts, and elsewhere

**1. PASCUAL JOSEPH-GUERRIER**

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**COUNT FIVE:** **21 U.S.C. § 841(a) (Possession of Heroin with Intent to Distribute and Distribution of Heroin); 18 U.S.C. § 2 (Aiding and Abetting)**

The Grand Jury further charges that:

On or about March 9, 2005, at Lawrence, in the District of Massachusetts, and elsewhere,

**1. PASCUAL JOSEPH-GUERRIER**

defendant herein, did knowingly and intentionally possess with intent to distribute, and did distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

**CRIMINAL FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One through Five,

**1. PASCUAL JOSEPH-GUERRIER,**

defendant herein, shall forfeit to the United States for its use and benefit any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the offenses, and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

2. If any of the forfeitable property described in paragraph 1 above, as a result of any act or omission of any defendant -

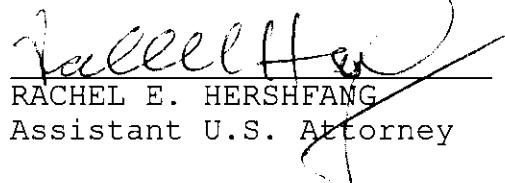
- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1 of this paragraph.

All in violation of Title 21, United States Code, Section 853.

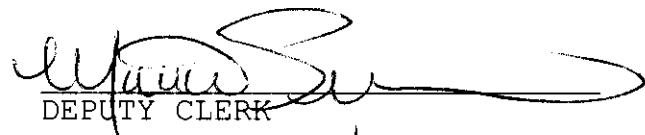
A TRUE BILL

  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

  
\_\_\_\_\_  
RACHEL E. HERSHFANG  
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS; August \_\_, 2005.

Returned into the District Court by the Grand Jurors  
and filed.

  
\_\_\_\_\_  
DEPUTY CLERK  
8/4/05 2:07

Criminal Case Cover Sheet

Place of Offense: Category No. II Investigating Agency DEA

City Lawrence

## Related Case Information:

County Essex

Superseding Ind./ Inf. \_\_\_\_\_ Case No. \_\_\_\_\_

Same Defendant \_\_\_\_\_ New Defendant \_\_\_\_\_

Magistrate Judge Case Number 05-00437-RBC

Search Warrant Case Number \_\_\_\_\_

R 20/R 40 from District of \_\_\_\_\_

## Defendant Information:

Defendant Name Pascual Joseph-Guerrier Juvenile  Yes  NoAlias Name Joseph Pascual Guerrier; PascualAddress 242 Haverhill Street, Apt. 10, Lawrence, MABirth date: 1969 SS#: \_\_\_\_\_ Sex: M Race: \_\_\_\_\_ Nationality: Spanish

Defense Counsel if known: \_\_\_\_\_ Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

## U.S. Attorney Information:

AUSA Rachel E. Hershfang Bar Number if applicable \_\_\_\_\_Interpreter:  Yes  No List language and/or dialect: SpanishMatter to be SEALED:  Yes  No Warrant Requested  Regular Process  In Custody

## Location Status:

Arrest Date: \_\_\_\_\_

 Already in Federal Custody as 7/5/05 in \_\_\_\_\_. Already in State Custody \_\_\_\_\_  Serving Sentence  Awaiting Trial On Pretrial Release: Ordered by \_\_\_\_\_ on \_\_\_\_\_Charging Document:  Complaint  Information  IndictmentTotal # of Counts:  Petty \_\_\_\_\_  Misdemeanor \_\_\_\_\_  Felony 5

Continue on Page 2 for Entry of U.S.C. Citations

 I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: August 4, 2005

Signature of AUSA: 

District Court Case Number (To be filled in by deputy) \_\_\_\_\_

Name of Defendant Pascual Joseph Guerrier

## U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>21 USC § 846</u>	<u>Conspiracy to Possess With Intent to Distribute Heroin</u>	<u>1</u> _____
Set 2 <u>21 USC § 841</u>	<u>Possession With Intent to Distribute Heroin</u>	<u>2-5</u> _____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set _____	_____	_____
Set _____	_____	_____
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Set _____	_____	_____
Set _____	_____	_____
<b>ADDITIONAL INFORMATION:</b> _____	_____	_____
_____	_____	_____
_____	_____	_____